

# HARD COPY

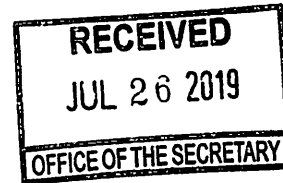
UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-19191

In the Matter of

MICHAEL T. RAND, CPA

Respondent.



**RESPONSE AND OPPOSITION TO  
RESPONDENT'S REQUEST FOR STAY OF ORDER OF SUSPENSION**

By order dated June 4, 2019, the Securities and Exchange Commission issued an order of forthwith suspension of Respondent Michael T. Rand (“Respondent”) pursuant to Rule 102(e)(2) of the Commission’s Rules of Practice [17 C.F.R. § 201.102(e)(2)] (“Commission Order”). As set forth in the Commission Order, on December 11, 2015, a judgment of criminal conviction was entered against Respondent – a certified public accountant licensed to practice in the State of Georgia – following a jury finding him guilty of conspiracy to commit securities and wire fraud, make false and misleading statements to auditors and accountants, circumvent internal accounting controls and falsify books, records and accounts. As a result of the foregoing, the Commission found that Respondent had been convicted of a felony within the meaning of Rule 102(e)(2) of the Commission’s Rules of Practice and issued a forthwith suspension.

By his “Request for Stay of Order of Suspension” dated June 13, 2019, Respondent requested a stay of the foregoing suspension based upon his appeal of the criminal conviction and

civil summary judgment against him, and the “negligible” risks he posed given his current incarceration.

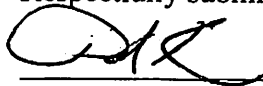
Rule 102(e)(2) provides in pertinent part: “Any ... person who has been convicted of a felony or a misdemeanor involving moral turpitude shall be forthwith suspended from appearing or practicing before the Commission.” Respondent does not cite, nor is enforcement staff aware of any precedent providing for a stay of a forthwith suspension based upon the existence of a pending criminal appeal or a Respondent’s current incarceration. Rather, the remedy provided under the Commission Rule 102(e)(5)(ii) provides that a person suspended under 102(e)(2) file an application for reinstatement after “all the grounds for application [of Rule 102(e)(2) are subsequently removed by a reversal of the conviction . . .” Further, the suspension “shall continue unless and until the applicant has been reinstated by order of the Commission for good cause shown.”

It is particularly appropriate to maintain the suspension because Rand lost his direct appeal of his conviction. Thus, the only pending appeal is a collateral appeal, in which he argues ineffective assistance of counsel.

In light of the foregoing, the Division of Enforcement respectfully submits that the Commission deny Respondent’s Request for Stay.

July 25, 2019

Respectfully submitted,



---

Paul Kim  
Attorney for Division of Enforcement  
Securities and Exchange Commission  
950 E. Paces Ferry Road NE, Suite 900  
Atlanta, Georgia 30326  
(404) 842-7600

**CERTIFICATE OF SERVICE**

The undersigned counsel for the Division of Enforcement hereby certifies that he has served the foregoing document this day addressed as follows:

Vanessa A. Countryman  
Acting Secretary  
Office of the Secretary  
Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549-1090  
(VIA United Parcel Service)

Michael T. Rand-Inmate No. [REDACTED]

[REDACTED]  
[REDACTED]  
Montgomery, AL [REDACTED]  
(VIA United Parcel Service and US First Class Mail)

DATED: July 25, 2019



---

Paul Kim  
Attorney for the Division of Enforcement